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grantor without determining the question, whether or not the Rule in Shelley's Case is in force in Nebraska.

TRADEMARKS—REGISTRATION.—Petitioner had applied for registration of a trademark containing a merely descriptive phrase, but consisting of non-descriptive and otherwise registerable matter in conjunction therewith. The Commissioner refused to register the mark unless the descriptive phrases were first erased therefrom. *Held*, the ruling was error and the mark should have been registered as filed. *Estate of P. D. Beckwith, Inc. v. The Commissioner of Patents* (1920), 40 Sup. Ct. Rep. 414.

The statute provides that no mark consisting "merely" of descriptive words may be registered. Originally the practice of the Patent Office had been to register marks which were otherwise proper, despite the fact that they contained some descriptive words. In *Johnson v. Brandau*, 32 App. D. C. 348, the Commissioner had held that "registration of a trademark is permitted where the controlling and distinguishing feature of the mark is an arbitrary symbol, although such symbol may be accompanied by accessories which in themselves are not registerable." The appellate court, however, held the mark not registerable until the applicant should disclaim and omit the words objected to. In *Nairn Linoleum Works v. Ringwalt Linoleum Works*, 46 App. D. C. 64, application had been made for registration of a mark consisting of a registerable symbol accompanied by the descriptive words, "Ringwalt's Linoleum." The applicant, on requirement by the Commissioner, expressly disclaimed the descriptive words. The appellate court held that such disclaimer was not sufficient; that it would lie hidden in the vaults of the Office, while the mark would go out to the public as though the words and the symbol were both protected; that the objectionable words must be not merely disclaimed but must be omitted from the mark. The principal case rejects this latter proposition and holds that only marks consisting *merely* of descriptive words can be refused registration. It restores the practice of registering otherwise proper marks even though they contain unregistrable parts, at least, if the unregistrable parts are disclaimed by the applicant. There is basis in the opinion, however, for further decisions to limit this practice to cases where the omission of the unregistrable parts would seriously affect the basic character of the whole mark.

SPECIFIC PERFORMANCE—RIGHT OF A QUASI ADOPTED CHILD TO SUE FOR.—When the plaintiff was at the age of six, his guardian and foster parents entered into an oral contract whereby they agreed that they would legally adopt the plaintiff and make him "heir to their property as a son of their own blood." However, adoption papers were never taken out. The plaintiff lived with his foster parents for twenty-four years when his foster father died. The heirs at law of the foster parents claim the estate. The plaintiff sues for specific performance of the contract. *Held*, that the plaintiff was entitled to specific performance, and that part performance would enable equity to take the contract out of the Statute of Frauds. *Evans v. Kelly, et al*, (Neb., 1920), 178 N. W. 630.